

START

Review Draft
Rev. B

Contents, Page 1 of 2
October 11, 1991

HANFORD FACILITY PERMIT ISSUE PAPERS

CONTENTS

ISSUE	REV	TITLE
1.0	B	CONTINGENCY PLAN
2.0	B	QUALITY ASSURANCE/QUALITY CONTROL REQUIREMENTS Attachment: <i>Hanford Facility Permit Preliminary Draft of the QA/QC Section</i>
3.0	B	TRAINING PLAN
4.0	B	DANGEROUS WASTE MANAGEMENT (ON-SITE)
5.0	B	SOIL AND GROUNDWATER BACKGROUND DETERMINATION AND CLEAN-UP STANDARDS
6.0	B	GROUNDWATER MONITORING/VADOSE ZONE WELL CONSTRUCTION REQUIREMENTS
7.0	B	REPORTING REQUIREMENTS
8.0	B	FINANCIAL RESPONSIBILITY/LIABILITY
9.0	B	MIXED WASTE/RADIONUCLIDE JURISDICTION
10.0	B	PROTECTION OF INFORMATION
11.0	B	MINOR/MAJOR PERMIT MODIFICATIONS
12.0	B	IDENTIFICATION OF SOLID WASTE MANAGEMENT UNITS
13.0	B	CORRECTIVE ACTION SCHEDULES OF COMPLIANCE
14.0	B	WASTE CONTAINER LABELING REQUIREMENTS
15.0	B	LEGAL DESCRIPTION OF HANFORD FACILITY AND DANGEROUS WASTE MANAGEMENT UNIT BOUNDARIES
16.0	B	ON-SITE WASTE MOVEMENT
17.0	B	FACILITY OPERATING RECORDS
18.0	B	SECURITY OF FACILITY



CONTENTS, Con't

ISSUE	REV	TITLE
19.0	B	MARKING OF TRANSFER PIPING
20.0	B	INCLUSION OF OTHER ENVIRONMENTAL PERMITS IN RCRA PERMITS
21.0	B	PERMITTING SCHEDULE FOR CONSTRUCTION OF NEW TSD UNITS
22.0	B	WASTE MINIMIZATION PLAN
23.0	B	INDEPENDENT REGISTERED PROFESSIONAL ENGINEER CERTIFICATION
24.0	B	RCRA/CERLA INTEGRATION
25.0	B	SCHEDULE AND APPROACH
26.0	B	TRI-PARTY AGREEMENT INCORPORATION INTO PERMIT

1.0 Contingency Plan

1.1 Issue

What constitutes appropriate contingency plan documentation for the Hanford Facility?

1.2 Resolution

The WAC 173-303 requirements for contingency plans are satisfied in the following documents: the *U.S. Department of Energy Field Office, Richland (RL) Emergency Plan*, the *Westinghouse Hanford Company (WHC) Emergency Plan*, the *Pacific Northwest Laboratories (PNL) Emergency Plan*, and the Building Emergency Plan for an individual TSD. These plans will be included in the formal submittal of the *Hanford Facility Permit Application* (Facility permit application) (both at the facility and TSD unit level). The RL plan will have overall control if inconsistencies between plans are noted.

Response to mitigate hazardous material incidents within the boundaries of the Hanford Facility is satisfied through WHC-CM-4-43 *Emergency Management Procedures*, Section G-3.08, Rev. 0, *Response To Hazardous Materials Spills*. This procedure provides direction in response to a non-radiological hazardous materials spill or release at locations not covered by building emergency plans. This includes spills or releases as a result of transportation activities, movement of materials, packaging and storage of hazardous materials.

Because the cited contingency plan documents also serve to satisfy a broad range of other requirements (e.g., OSHA and DOE Orders), revisions made to portions of these documents that are not governed by the requirements of WAC 173-303 will not be considered as a permit modification subject to review or approval by Ecology. Those portions of the contingency plan documents that do address the requirements of WAC 173-303 will be identified in the Facility permit application.

Position names associated with contingency or emergency responsibilities will be included in the facility permit application (both at the facility and TSD level). However, names of individuals filling these positions will not be provided in the permit application. These names will be maintained on file at the Hanford Facility Occurrence Notification Center and will be available to the regulators by contacting that Center.

2.0 Quality Assurance/Quality Control Requirements

2.1 Issue

What constitutes appropriate QA/QC documentation for the Hanford Facility Permit?

2.2 Resolution

See attached proposal entitled *Hanford Facility Permit Preliminary Draft of the QA/QC section*.

3.0 Training Plan

3.1 Issue

What constitutes appropriate training plan documentation for the Hanford Facility?

3.2 Resolution

The regulatory basis for dangerous waste training requirements is outlined in Washington Administrative Code (WAC) 173-303-330. To satisfy these requirements, Hanford will provide an "umbrella" training plan that will include a description of the four dangerous waste worker categories into which all employees may be classified. A written description of the type and amount of both initial and continuing training required by dangerous waste workers and a description of the systems used to document the completion of training will also be included.

Each TSD permit application will also have available a "sub-tier" training plan which will provide specific information regarding dangerous waste management positions. Included in this information will be specific job descriptions and titles.

In addition, some training required of contractor personnel is mandated by separate Occupational Safety and Health Administration (OSHA) and DOE guidelines, but has been intertwined with Hanford Facility dangerous waste worker training programs. This type of training includes radiation worker safety, mixed waste, and OSHA hazardous waste site worker training. These types of training courses will not be included in the Hanford Facility Permit as they are supplemental to information required by WAC-173-303-330 and are monitored for compliance by other government agencies.

4.0 Dangerous Waste Management (Onsite)

4.1 Issue

Is an analytical program required to verify the constituents of waste, or the contents of dangerous waste containers, moved within the Hanford Facility?

4.2 Resolution

A *Hanford Facility Waste Analysis Plan* will be prepared in accordance with RCRA and WAC regulations. The plan will define the requirements for waste moved onsite and for waste received for management from offsite generators. The offsite requirements for nonradioactive dangerous waste will comply fully with the WAC 173-303 regulatory stipulations for facilities receiving waste from offsite generators. The onsite waste movement requirements will also be compliant with regulatory stipulations for onsite waste movement. Waste being shipped offsite for treatment, storage, and/or disposal will not be included in an onsite verification program, since this waste will be verified prior to shipment offsite (using TSD required profiles). The program for waste to be managed onsite will use the current Hanford program as their basis. Additional Quality Assurance/Quality Control requirements will be imposed in the plan to assure that waste generating operations properly characterize, designate, package, and otherwise manage, waste from those operations. These QA/QC requirements will include some level of physical or chemical verification for waste generated and managed onsite. For a given waste container, it is anticipated that verification would be performed only once (assuming positive verification). The waste container would be sealed or otherwise marked to make it clear that it had been verified. For liquid waste moved onsite in bulk, either by tankers or pipeline, waste analysis and verification testing will be conducted per the receiving unit's waste analysis plan.

The goal of RCRA and WAC 173-303 is to assure that hazardous/dangerous waste is properly managed. Thus the Hanford program must encourage proper waste management (i.e., require waste analyses adequate to assure proper designation, appropriate and reliable packaging, safe and secure storage, and proper treatment and disposal). A facility waste analysis plan will help meet this goal, and will also enhance the continuity of unit specific waste analysis plans.

The facility waste analysis plan will be approached in two phases:

Phase I - Develop and get consensus on an overall waste analysis plan, including the waste verification strategy. This will include contractor development and review, DOE review, and Ecology and EPA review. The plan will include an implementation strategy and schedule that defines the actions needed to implement this plan and the timetable for doing so.

1 Phase II - Implement the conceptual plan. Implementation includes
2 establishment of the organization to do the QA reviews and
3 developing or upgrading procedures for the Hanford Facility
4 and at each of the impacted TSDs. Implementation would also
5 include defining the procedures used to gather laboratory
6 samples, or the extent of physical verification
7 (e.g., X-raying for low-level waste).
8

9 Because of the complexity of the *Hanford Facility Waste Analysis Plan*, the
10 initial revision of the Hanford Facility Permit Application may only include an
11 implementation strategy and schedule. The completed plan would be submitted in
12 accordance with this implementation schedule and be included in a future
13 modification of the Hanford Facility Permit.

5.0 Soil and Groundwater Background Determination
and Clean-Up Standards

5.1 Issue

What is the appropriate method for determining background at the Hanford Facility?

5.2 Resolution

The requirements to determine background threshold levels and clean-up standards are based on the Washington Administrative Code (WAC) 173-303-610, "Closure and Postclosure." Due to the similarity of the geologic makeup of the Hanford Facility, the probability exists that background levels can be established on a Site-wide basis. The approach to establish background values is to conduct a systematic sampling and analysis program which will obtain enough data to statistically verify background values. The approach will be outlined as specified in the *Draft Characterization and Use of Soil Background for the Hanford Facility* document.

Also, in a related issue, Ecology is proposing to integrate closure performance standards with health and environmental protection based levels. The determination of health based levels will be based on the formulas and guidance contained in the Model Toxic Control Act (MTCA), Washington Administrative Code, WAC 173-340 which became effective on February 28, 1991.

6.0 Groundwater Monitoring/Vadose Zone
Well Construction Requirements

6.1 Issue

What is required to meet interim or final status groundwater monitoring/vadose zone well construction requirements at the Hanford Facility?

6.2 Resolution

Construction of groundwater monitoring wells will be conducted in accordance with a milestone established in the Tri-Party Agreement. This milestone calls for the installation of RCRA compliant monitoring wells at the rate of 50/year until compliance is achieved. Groundwater monitoring conditions set forth in individual TSD permits will also be established as such permits are finalized.

Well construction/rehabilitation will be handled in accordance with a letter on this subject co-signed by Ecology and EPA, and transmitted to the RL/contractors in September 1990.

Purgewater will be handled in accordance with an ancillary agreement finalized among the RL/contractors, Ecology, and EPA in August 1990.

The above groundwater information in the Hanford Facility Permit Application, will include a map of RCRA-compliant wells and a description of Environmental Investigation Instructions (EIIs) covering groundwater monitoring activities. A current copy of the EIIs will be maintained on file at the Hanford Facility Record Repository.

The Hanford Facility Permit Application will not address vadose zone monitoring requirements. Future modifications of this Hanford Facility Permit may address this subject dependent upon the outcome of discussions with Ecology and EPA regarding the basis and objectives for a vadose zone monitoring plan. The need for such discussions was identified in letter transmitted from the RL/contractors to Ecology and EPA in February 1990 (Witness to Stanley, February 1990, 90-ERD-31).

7.0 Reporting Requirements

7.1 Issue

What constitutes the appropriate means to respond to reporting requirements for hazardous substances releases?

7.2 Resolution

The RL/contractor has implemented the requirements of DOE Order 5000.3A. The Order addresses the requirements to report events that are categorized as "Off Normal Events;" "Unusual Occurrences;" or "Emergencies." Contractors have developed procedures to provide the mechanisms and systems to make required notifications to offsite agencies in accordance with DOE and WAC reporting requirements. RL submitted two letters to Ecology (References 1 and 2) which propose criteria for reporting of spills of dangerous waste, extremely hazardous waste, and acutely hazardous waste. An agreement relative to what is required to be reported (quantities and materials) to comply with the WAC requirements is stated in References 1 and 2. RL and contractors will report spills in accordance with WAC 173-303-145 and the referenced correspondence. Verbal notification will be provided to Ecology within 24 hours in the following instances (as stated in Reference 1):

1. Any release which requires notification to the National Response Center pursuant to 40 Code of Federal Regulations (CFR) 302.4;
2. Any release resulting in a discharge to the ground, groundwater, or surface water if (1) the material was regulated as a dangerous waste prior to release and, (2) for waste designated due to a characteristic or criterion, if the material exhibits the characteristic or criterion at the point of discharge to the environment;
3. Any release resulting in a discharge of dangerous waste to the ambient air will be reported if the release requires notification pursuant to 40 CFR 302.4 (See criterion 1). Additionally, RL will notify the Benton-Franklin-Walla Walla Counties Air Pollution

Reference 1: RL to Ecology (R.A. Holten (RL) to R.F. Stanley (Ecology)), "Reporting of Hazardous Substance releases Pursuant to Washington Administrative Code 173-303-145," dated June 21, 1990.

Reference 2: RL to Ecology (R.A. Holten (RL) to T.L. Nord (Ecology)), "Reporting of Hazardous Substance Releases Pursuant to Washington Administrative Code 173-303-145," dated September 27, 1990.

- 1 Control Authority (BFWW) of any release which requires notification
2 pursuant to the condition of Prevention of Significant Deterioration
3 (PSD) permit number PSD-X80-14;
4
5 4. Any release which requires notification to the Department of
6 Transportation pursuant to 49 CFR 171.15;
7
8 5. Any release which requires notification to the community emergency
9 coordinator pursuant to 40 CFR 355.40;
10
11 6. Any oil release which requires notification to the National Response
12 Center pursuant to 40 CFR 355.40;
13
14 7. Any release of a regulated substance from an underground storage tank
15 requiring reporting pursuant to 40 CFR 280.3. These releases will be
16 reported to Ecology's Central Region Office.
17

18 Modification to Criteria Number 2 above (modified by Reference 2):
19

- 20 2. Any release equal to or greater than the reportable quantity resulting
21 in a discharge to the ground, ground water, or surface water if (1) the
22 material was regulated as a dangerous waste prior to the release, and
23 (2) for waste designated due to a characteristic or criterion, if the
24 material exhibits the characteristic or criterion at the point of
25 discharge to the environment. Reportable quantities are 1 pound for
26 Acutely Hazardous Waste, 10 pounds for Extremely Hazardous Waste, and
27 100 pounds for Dangerous Waste. Reportable quantities may also be
28 modified by a *Spills Notification Guidance* issued by Ecology.
29

30 Revisions as a result of changes to DOE Emergency Preparedness requirements may
31 also be made to reporting procedures, but will not be provided to Ecology for
32 review because they are used to comply with other contractual requirements aside
33 from the WAC.
34

35 Reporting will be conducted in accordance with a notification matrix developed
36 between RL, the Washington State Department of Community Development, and the
37 Oregon Department of Energy (as proposed in a draft dated January 2, 1991). In
38 addition, plans are to provide 'Page 1s' of Occurrence Reports to the states of
39 Washington and Oregon within 72 hours of their completion.

8.0 Financial Responsibility/Liability

8.1 Issue

Under RCRA, should a government contractor who is designated as a "co-operator" to certain TSDs on a federal facility be responsible for the financial liability, assurances and cost estimates when the federal government who is the "owner" and "operator" of the facility itself is exempt from such requirements? An ancillary issue is how information regarding closure costs should be transmitted to Ecology.

8.2 Resolution

Neither the DOE nor the Contractor will be compelled to provide for the requirements set forth in WAC 173-303-620; however, Ecology reserves its rights to reopen this matter at a later time.

RL will use the general approach outlined in a letter from T. L. Nord (Ecology) to S. H. Wisness (RL) dated January 11, 1991. Cost estimates for closure and postclosure activities will not be provided as a means to satisfy the financial assurance requirements of WAC 173-303. However, on October 31, 1991, RL will provide a letter report with attachments regarding the projections of anticipated costs for closure of certain TSDs. These TSDs include: (1) 616 Nonradioactive Dangerous Waste Storage Facility, (2) Simulated High-level Waste Slurry Treatment and Storage, (3) 300 Area Solvent Evaporator, (4) 183-H Solar Evaporation Basins, and (5) 2101-M Pond. A submittal of projections of anticipated costs for closure will be provided on an annual basis commencing on October 31, 1992.

9.0 Mixed Waste/Radionuclide Jurisdiction

9.1 Issue

Is Ecology outside the scope of its legal authority when attempting to control the radioactive components of mixed waste resulting from RL Operations?

9.2 Resolution

The mixed waste/radionuclide jurisdiction issue has been discussed at a number of unit manager meetings with Ecology. During these discussions, Ecology has not agreed to a dual control of mixed waste whereby RL retains jurisdiction of the radioactive components and Ecology retains control of the hazardous components of the mixed waste. RL will not relinquish its jurisdiction over source, special nuclear material or by-product materials which are specifically exempted from the federal RCRA program because the control of these materials is governed by the Atomic Energy Act. Ecology will not recognize that since U.S. Congress has already acted in the area exempting specific radioactive materials, it is preempted by federal law from also regulating in that area. No resolution has been reached in this matter.

10.0 Protection of Information

10.1 Issue

This issue entails a question as to whether under administrative, federal, contract, or environmental law the RL can deliver documents that are classified, confidential, predecisional, procedural, or privileged in nature regarding all the TSD units within the Hanford Facility to Ecology when Ecology cannot assure provision for the non disclosure of any information.

10.2 Resolution

1) Federal statutes, regulations and contractual obligations require that the RL and its contractors either do not disclose or limit their disclosure of certain information. Some information that Ecology perceives it needs to conduct its business may be exempt from disclosure by limitations imposed upon RL or its contractors. Other information may be disclosed to Ecology if Ecology keeps the information confidential and accepts the liability for inadvertent disclosure of the information to the public.

Information which may not be disclosed or which may need disclosure protection includes but is not limited to the following:

- Materials, such as classified information, specifically authorized by statute or executive order to be kept secret in the interest of national defense or foreign policy;
- Confidential information which, if disclosed, would impair the U.S. government's ability to obtain necessary information in the future or would cause substantial harm to the competitive position of the outside party;
- Information exempted from disclosure by statutes or regulations;
- Memoranda that would not be available by law to a party in litigation, including but not limited to documents normally privileged in civil litigation and predecisional memoranda (disclosure inhibits frank discussion within the RL/contractors);
- Information prohibited from disclosure by contract; or
- Trade secrets and business sensitive information.

2) Section 3007 of RCRA authorizes a regulatory inspector to have access to required documents and make copies of such documents, if required. However, such access is restricted by Section 1006 of RCRA in instances where the requirement would be inconsistent with various other laws, including information subject to

1 the Atomic Energy Act of 1954, as amended. In order to meet its RCRA
2 obligations, the RL proposes the following to be implemented by RL and the
3 Hanford contractors:

- 4
- 5 - Identify documents required for regulatory compliance and establish a
6 body of documents to be referred to as the Regulatory File. The
7 Regulatory File may be unit specific (TSD, waste generator, etc.) or
8 generic to a group of units. The Regulatory File must list the
9 documents by title and be approved by the applicable RL Program Office.
- 10
- 11 - When a RL approved Regulatory File is established and implemented, the
12 regulatory compliance inspector will be provided access to such
13 documents and provided a copy if requested. When documents are
14 requested and accumulated by the contractor, concurrent notification
15 will be given to the RL Program Office and TSD Manager.
- 16
- 17 - If a document is requested by a regulatory compliance inspector that is
18 not identified in the Regulatory File, the request must be approved by
19 the RL Program Office. However, documents previously approved for
20 public release will be provided to the inspectors upon request. The RL
21 Program Office and the TSD Manager will be notified of the document
22 request.
- 23
- 24 - Establishment of the Regulatory File will require all existing documents
25 and newly issued documents which would be included in such File, to be
26 cleared for public access. In the event a Regulatory File document is
27 classified, contains Proprietary or Privacy Act information or other
28 restricted information; the document must be protected in accordance
29 with RL procedures.
- 30
- 31 3) RL and its contractors will not disclose those documents which they are
32 required by law, regulation, or contract to keep secret, confidential or
33 privileged. Such non disclosure would include but not be limited to classified,
34 privileged, or contractual information. When information can be disclosed on a
35 limited basis to Ecology only, RL will mark information with a confidentiality
36 legend. The legend will give an indication of to whom the information may be
37 disclosed and will justify why such information can not be disclosed to members
38 of the public. Ecology will provide confidentiality for information clearly
39 marked with a legend indicating the information is not available for public
40 disclosure.
- 41
- 42 4) A description of applicable unit procedures will be included in the permit.
43 The actual procedures will not be included in the permit but will be available
44 at the TSD for inspection by Ecology. Further, information copies will be
45 provided to an onsite Ecology inspector as expediently as possible when
46 requested.
- 47
- 48 5) The RL and contractor will clear approved documents that Ecology may be
49 interested in reviewing that are outside of the Regulatory File.

- 1
- 2 6) As necessary the RL may provide a public notice that information at Ecology
- 3 may or may not reflect actual procurement packages.

11.0 Minor/Major Permit Modifications

11.1 Issue

What is the methodology by which minor/major permit modifications will be carried out?

11.2 Resolution

All Permit modifications shall be carried out in accordance with Washington Administrative Code 173-303-830 with the exception that class 1 changes shall be submitted to Ecology on an annual basis.

Sections of documents referenced in the Permit that are not subject to WAC requirements shall be excluded from permit modification requirements.

12.0 Identification of Solid Waste Management Units

12.1 Issue

What is a realistic approach for the identification and documentation of SWMUs on the Hanford Facility?

12.2 Resolution

The proposed approach to satisfy the requirements for identification and update of SWMUs and their releases would use a combination of the following products:

o Hanford Waste Information Data System (WIDS)

The WIDS database currently identifies the universe of RL waste units on the Hanford Facility, which includes all RL SWMUs. Also included are non-SWMUs such as one-time spills, sanitary waste sites, and structures awaiting decontamination and decommissioning. A new field has been added designating if a waste unit is a SWMU. Effort is currently underway to add any additional SWMUs which have been identified recently, primarily through operable unit scoping studies. The WIDS contains the descriptive information required for each SWMU, to include known releases of hazardous waste and constituents. The WIDS therefore would represent the official current listing of SWMUs on the Hanford Facility. As new SWMUs are identified, they would be added to WIDS.

o Hanford Site Waste Management Units Report (HSWMUR)

The HSWMUR is updated annually in January, unless it is determined that an update is not necessary. The Report reflects summary information on each waste unit in the WIDS. The next update will be included as part of the submittal of the RCRA Permit Application, reflecting all known SWMUs on the Hanford Site at the time of permit issuance. As discussed above, notification of additional units would then be via the WIDS. The HSWMUR will include a set of the maps discussed below. Each annual update will reflect the newly identified SWMUs from the preceding year.

o Set of Hanford SWMU Topographical Maps

Current maps included in the HSWMUR identify all the waste units, but are not topographical in nature. Due to the size of the Hanford Facility and projected number of SWMUs, creativity is necessary to develop a set of useful maps that meet the intent of the regulations. This should be tied to the mapping/GIS activities being conducted in support of the clean-up program. It is recommended that the existing non-topographic maps contained in the HSWMUR be used until an automated mapping system is in place to develop maps more in line with the regulatory requirements.

1 o Hanford Facility RCRA Permit

2
3 The RCRA Permit will reference the above data base and report for SWMUs and known
4 releases for the DOE-managed units. The permit would then have a separate
5 section to list SWMUs of other responsible parties that are on DOE-owned land.

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13.0 Corrective Action Schedules of Compliance

13.1 Issue

How can the requirements for providing corrective action schedules of compliance as part of the RCRA Permit be satisfied, while achieving the RCRA/CERCLA integration called for in the Tri-Party agreement (TPA)?

13.2 Resolution

A section in the RCRA Permit Application on schedules of compliance for corrective actions, to include the following elements, will be provided:

- RCRA Facility Assessment (RFA)
- RCRA Facility Investigation/Corrective Measure Study (RFI/CMS)
- Corrective Measure Implementation (CMI)
- Interim Measure (IM)

In each of these elements a description of how the process is to be carried out, as described in the Tri-Party Agreement, will be provided. The plans to be developed will be defined and referenced to the Tri-Party Agreement work schedule for commitments in accomplishing the work.

Remedy selections, for either corrective or interim measures, will be incorporated into the permit via a major modification. A section will be included where such remedy selections will be listed and referenced to a permit appendix which will describe the agreed to remedy. The schedule of compliance for the selected measures will be provided as part of the Tri-Party Agreement.

Each time an RFI/CMS plan, CMI plan, or IM proposal is approved and issued, a Tri-Party Agreement change package will be prepared and approved by the parties to place selected key events contained in the plan on the Tri-Party Agreement work schedule as milestones. Submittal of the plans/proposals to the regulatory agencies would have already been placed on the work schedule as milestones at the time that the operable unit was scheduled for action or the IM was identified.

14.0 Waste Container Labeling Requirements

14.1 Issue

What is the scope of waste containers that require labeling in a manner which adequately identifies major risks associated with the container contents?

14.2 Resolution

All containers shall be marked and labeled with the system used for compliance with U.S. Department of Transportation (DOT) requirements. In addition to DOT required marking and labeling, containers shall also be marked in a manner which adequately identifies major risks associated with the container waste contents as follows:

<u>Risk Marking</u>	<u>Waste Code for Contents</u>
- "PERSISTENT"	-- WPO1, WPO2, WPO3
- "TOXIC"	-- WT01, WT02
- "CARCINOGENIC"	-- WC01, WC02

The risk marking requirements apply to all containers holding waste regulated under Washington Administrative Code 173-303. Dangerous waste in permitted or interim status storage units prior to implementation of the additional marking requirements are exempt until they are removed from the storage unit.

15.0 Legal Description of Hanford Facility and Dangerous
Waste Management Unit Boundaries

15.1 Issue

What is required in the way of a legal description for the Hanford Facility and TSD units within this facility, particularly if such units are to be clean closed?

15.2 Resolution

The WAC 173-303-610 and WAC 173-303-806 requirements for including a legal description of the boundaries of dangerous waste sites will be satisfied in the following manner.

The current legal description of the Hanford Facility will be included in the Hanford Facility Permit Application with the exclusion of the following four areas: (1) land administered by the Bonneville Power Administration, (2) land leased to the Washington Public Power Supply System (WPPSS), (3) land owned or leased by Washington State, and (4) land north of the Columbia River.

A note will be made in the Hanford Facility Permit that WPPSS will receive their own TSD permit and, hence, will not be included in the Hanford Facility Permit for corrective actions.

The Records of Survey that are used to define the legal boundaries of the TSD units will identify these boundaries with Washington State Lambert Coordinates based on the North American Datum of 1983. The Record of Survey will relate the boundaries to Township, Range, and Section by scaling on U.S. Geological Survey topographic maps. The Records of Survey will be submitted to the local authority with jurisdiction over local land use, and to the Benton County Auditor if at closure dangerous waste is left in place.

The Records of Survey for TSD units to be initially provided include: (1) 616 Nonradioactive Dangerous Waste Storage Facility.

16.0 Onsite Waste Movement

16.1 Issue

Is the movement of dangerous waste within the Hanford Facility considered to be onsite transportation?

16.2 Resolution

Under RCRA regulations, the Hanford Facility is considered to be one facility. All Hanford dangerous waste transportation activities are considered to be onsite, and not subject to offsite waste transportation requirements. An operating record will be maintained for all documentation that is required by WAC 173-303-380 for onsite waste transportation. In addition, a means of documenting onsite waste transfers will be utilized and the associated records will be maintained as part of the operating records.

17.0 Facility Operating Records

17.1 Issue

What is required to maintain Hanford Facility and TSD unit operating records?

17.2 Resolution

WAC 173-303 requires that hazardous waste generators and interim status treatment, storage and disposal (TSD) unit operators ensure the recording, availability, and maintenance of documents. This body of documents referred to as the RCRA Facility Regulatory File (Regulatory File) includes, but is not limited to, the following:

- o Waste designation and/or waste characterization data
- o Waste inventories
- o Personnel training plans and/or records
- o Contingency and/or Emergency Plans
- o Inspection Plans
- o Waste Analysis Plans
- o Spill reports
- o Tank integrity assessment plans and reports
- o Waste minimization plans and reports
- o Waste manifests
- o Annual dangerous and mixed waste reports
- o Operating records
- o All records, plans, etc. to demonstrate compliance with Interim Status Facility standards

The Regulatory File should be unit-specific (TSD, waste generator, etc.) or generic to a group of units. The Regulatory File must list the document by title and be approved by the applicable RL Program Office.

- o Facility operating records shall be maintained for at least 3 years after closure of the Hanford Facility.
- o TSD unit-specific operating records shall be maintained at the unit or at a designated repository throughout the life of the unit (per Reporting and Recordkeeping Chapters of WAC 173-303.)
- o An operating log shall be maintained at each TSD unit.
- o All TSD unit-specific operating records shall be transferred to the facility records repository, as designated, upon closure of the unit.

RL/contractor will ensure the collection and maintenance of the Regulatory File by providing a centralized Hanford Regulatory Locator File located within the

1 Hanford Facility. Satellite collection stations will be located at strategic
2 waste sites and will feed into the centralized system, thus providing access to
3 the central system at any given waste site. Satellite stations will provide dual
4 storage for and easy accessibility to record material until closure of the waste
5 site.

SECRET

18.0 Security of Facility

18.1 Issue

Do the current security provisions at the Hanford Facility meet the security requirements as set forth in WAC 173-303?

18.2 Resolution

The current security provisions at the Hanford Facility meet the security requirement as set forth in WAC 173-303.

The entire Hanford Facility operational area is a controlled access facility and is expected to remain so for the foreseeable future. The Hanford Facility maintains around-the-clock surveillance for the protection of government property, classified information, and special nuclear materials. The Hanford Patrol maintains a continuous presence of armed guards to provide Hanford Facility security.

Manned barricades are maintained around the clock at checkpoints on vehicular access roads leading to the Hanford Facility. All personnel entering must display a U.S. Department of Energy-issued security identification badge indicating authorization to enter the area and submit to a search of personal items carried into and out of the area. Additional entrance procedures must be followed to enter designated radiation zones. An assessment of the specific security protection of each active portion as it relates to WAC-173-303 is underway and will be included in unit chapters.

Each active area containing dangerous waste is posted with a sign, in English, reading, "DANGER-UNAUTHORIZED PERSONS KEEP OUT," in red and black letters on a white background. The signs are visible from all angles of approach, and are legible from a distance of at least 25 feet. In addition to these signs, the fences around the secured areas are posted with signs warning against unauthorized entry. The signs are visible from all angles of approach.

19.0 Marking of Transfer Piping

19.1 Issue

Should signs be posted at least every 50 feet along the length of any pipe carrying dangerous or mixed waste?

19.2 Resolution

The need for mixed waste signs within the boundaries of the Hanford Facility is still under discussion.

20.0 Inclusion of Other Environmental Permits in RCRA Permits

20.1 Issue

What are the requirements for other environmental permits, notifications, and approvals in the Hanford Facility Permit?

20.2 Resolution

Other environmental permits, notifications, and approvals will continue to be developed as stand-alone documents.

The addressing of new RCRA environmental regulations will be "picked-up" in Notice-of-Deficiency (NOD) cycles for RCRA permit applications submitted to meet June 1991 Tri-Party Agreement milestones (i.e., Double-Shell Tank System, 242-A Evaporator, Liquid Effluent Retention Basins). This approach will ensure that the milestone submittal date for these units was not delayed.

Further clarification will be provided by Ecology, the Washington State Department of Health and EPA as to the relationship between other environmental permits, notifications, and approvals generated pursuant to other acts or related programs and the RCRA permit. Clarification of these relationships is not necessary to proceed with the initial Hanford Facility Permit. However, clarification efforts will continue outside the context of the development of this permit.

21.0 Permitting Schedule For Construction
of New TSD Units

21.1 Issue

Will an 'expedited' permitting approach, compatible with DOE's planning, funding, design, and construction approach, be used for the permitting of new TSD Units?

21.2 Resolution

A recent Tri-Party Agreement Change Request, if granted, will result in a delay of the start of construction of the Hanford Waste Vittrification Plant (HWVP) by two years. In addition, development of detailed design will likely be delayed and not all design information required for permitting will be available until after the newly established start-of-construction date for the HWVP is passed. In order to mitigate further construction delays, an 'expedited' permitting approach will need to be pursued for this unit. Such an approach should enable construction to proceed while certain design information is still being generated.

Other new TSD units at the Hanford Facility will proceed under the planning, funding, design, and construction approach established by DOE Orders. Similar to HWVP, not all design information required for permitting will be available when construction of these units could be commenced. Hence, the 'expedited' permitting approach established for HWVP, could be applied to other new TSD units to ensure undue construction delays are not experienced.

Establishment of an 'expedited' RCRA permitting approach is not necessary to proceed with the initial Hanford Facility Permit. However, efforts to establish such an approach will continue outside the context of the development of this permit.

New TSD permitting information will not be included in the Hanford Facility Permit Application.

22.0 Waste Minimization Plan

22.1 Issue

What constitutes appropriate waste minimization plan documentation for the Hanford Facility?

22.2 Resolution

The WAC 173-303 requirements for waste minimization plans are satisfied in the *Hanford Facility Waste Minimization and Pollution Prevention Awareness Plan* (including Process Waste Assessment information) and the unit-specific waste minimization plans for each individual TSD. These plans will be included in the formal submittal of the *Hanford Facility Permit Application* (Facility permit application) (both at the facility and TSD level). The RL plan will have overall control if inconsistencies between plans are noted. In addition, as a requirement of the Permit, the *RCRA (HSWA) Biennial Waste Minimization Report* and the *DOE-HQ Waste Reduction Report* which provide a status on waste reduction activities at Hanford will be submitted to Ecology.

Because the cited waste minimization plan documents also serve to satisfy a broad range of other requirements (e.g. DOE Orders), revisions made to portions of these documents that are not governed by the requirements of WAC 173-303 will not be considered as a permit modification subject to review or approval by Ecology. Those portions of the waste minimization plan documents that do address the requirements of WAC 173-303 will be identified in the Hanford Facility Permit Application.

23.0 Independent Registered Professional
Engineer Certification

23.1 Issue

Can a RL contractor perform independent registered professional engineer certification?

23.2 Resolution

Certification by an independent registered professional engineer is required to support some RCRA permitting activities at the Hanford Facility (e.g., tank integrity assessments, closure). Such certification, where required, will be conducted using a RL contractor or subcontractor that has not been responsible for the design, construction, operation, and/or closure of the particular TSD unit. Contractor/subcontractor engineers conducting certification will be registered within Washington State or within a state having a reciprocal agreement with Washington State.

24.0 RCRA/CERLA Integration

1.1 Issue

How shall RCRA and CERCLA regulations be integrated into the permit?

1.2 Resolution

The need to determine the integration of RCRA and CERCLA requirements has been identified in the Hanford Federal Facility Agreement and Consent Order, Article IV, Statutory Compliance and RCRA/CERCLA Integration and Coordination, Article XXII, RCRA/CERCLA Interface, and Action Plan Section 5.5. This need can be summarized that remediation activities of TSDs must be integrated, regardless of whether the unit is regulated by RCRA or CERCLA, to ensure that protection of human health and the environment is conducted in a cost efficient manner. This integration development is integral when remediation a facility as large at the Hanford Site. The RCRA/CERCLA interface is especially important in developing and implementing closure strategies.

There are many outstanding issues in regards to RCRA/CERCLA integration that need to be resolved. Listed below are some examples of items to be resolved:

- o Performance Standards
- o Deferral of Remediation Activities
- o Sampling and Analysis Integration

25.0 Schedule and Approach

25.1 Issue

What documents will constitute the Initial Hanford Dangerous Waste Permit Application?

25.2 Resolution

The *Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement)* states that the initial Hanford Facility Dangerous Waste Permit may be issued for less than the entire Hanford Facility. There is a revised Milestone for start-of-construction on HWVP to commence in April 1992, which requires issuance of a Part B Permit.

The approach preferred by RL for permitting the Hanford Facility is to have the initial Hanford Facility Dangerous Waste Permit be issued to include only the HWVP and Hanford Facility documentation that has received some previous review by Ecology (i.e., the Hanford Facility Training Plan and the Hanford Facility Contingency Plan). Subsequent modifications to the initial Hanford Facility Dangerous Waste Permit would include additional units as the information to support their inclusion in the permit is completed. Such an approach would enable all information required to develop the initial Hanford Facility Dangerous Waste Permit covering HWVP to be provided by October 4, 1991, and would enable the initial Hanford Facility Dangerous Waste Permit to be issued by Ecology and EPA by April 1992. This issuance date would support an April 1992 start-of-construction date for the HWVP.

26.0 Tri-Party Agreement Incorporation Into Permit

26.1 Statement of Issue

This issue is whether the Tri-Party Agreement should be incorporated into the RCRA permit by reference and whether the RCRA permit should supersede the Tri-Party Agreement in the event of conflict between the permit and the Agreement. Ancillary issues are whether commitments made in the Tri-Party Agreement should continue to be valid through the permit in the event the Agreement is terminated and whether commitments made by RL in the Agreement should be enforceable on contractors who are not parties to the Agreement.

26.2 Perceived Ecology Position

1) The agreements reached through the negotiations for the Tri-Party Agreement should be enforceable under the Hanford Facility RCRA permit and any schedules should remain enforceable under the permit even if Agreement is subsequently terminated.

2) The site permit should take precedence over the Tri-Party Agreement if conflicts exist between the two documents.

26.3 Regulatory Basis

No regulatory basis has been provided.

26.4 RL Position

1) RCRA permits address RCRA treatment, storage, and disposal units and corrective action requirements for solid TSDs. Only those milestones in the Tri-Party Agreement which are regulatory requirements for a RCRA treatment, storage, or disposal unit or for solid TSD corrective actions should be incorporated into the site permit. This would include milestones for submittal of permit applications and closure plans, installation of RCRA groundwater monitoring wells, interim status compliance corrective actions, land disposal restrictions compliance plan, and RCRA past practice site investigations/remedial actions. Only the milestones should be enforceable. Target dates should not be enforceable. The language in the draft permit (Section I.A.2.a), as currently written, could be interpreted to cause all facets of the Tri-Party Agreement schedule, including target dates, to be enforceable under the permit.

2) The agreements incorporated into the Tri-Party Agreement were the result of months of long, arduous negotiation between EPA, Ecology, and RL. The Tri-Party Agreement reflects compromises made by each of the three parties. If the site permit is allowed to supersede the Tri-Party Agreement whenever a conflict exists between the permit and the Agreement, the permit could in effect become Ecology's

1 vehicle for defaulting on those portions of the Tri-Party Agreement which Ecology
2 does not fully support.

3
4 3) Contractors are not parties to the Tri-Party Agreement. Through contractual
5 arrangements with RL, the contractors are, however, obligated to implement those
6 commitments made by RL. The contractors are obligated to identify the need for
7 any schedule delays, justify the cause, and assist RL in the preparation of
8 change packages to be submitted to the regulators. The contractors recommend
9 work scope priorities to RL when resources are inadequate to support all work
10 scope demands. RL is responsible for approving proposed priorities and for
11 negotiating schedule changes with the regulators.

12 13 26.5 Proposed Resolution Approach and Schedule

14
15 1) RL and contractor legal counsel will perform a detailed review of the Tri-
16 Party Agreement to determine which milestones should be incorporated by reference
17 into the site permit. Legal counsel will also review the processes included in
18 the Agreement to determine which processes should be incorporated by reference
19 into the permit. The draft permit application (due to be submitted by October
20 1, 1991) will identify those portions of the Tri-Party Agreement which should be
21 incorporated into the permit.

22
23 2) RL, EPA, and Ecology will review those portions of the Tri-Party Agreement
24 which Ecology believes must be changed to ensure consistency with the permit and
25 will seek to reach satisfactory resolution of any proposed language or schedule
26 revisions.

27
28 3) Ecology will agree that the permit will not supersede the Tri-Party
29 Agreement.

30
31 4) Language will be added to the permit which clearly delineates RL and
32 contractor responsibilities relative to the implementation of Tri-Party Agreement
33 requirements.

34 35 26.6 Implication of Acceptance/Rejection of Proposed Resolution Approach

36 37 o Acceptance of Proposed Resolution Approach

38
39 1) Identifying and agreeing to needed revisions to the Tri-Party Agreement prior
40 to the issuance of the permit should eliminate future conflicts between the two
41 documents.

42
43 2) RL and its contractors will be able to follow the Tri-Party Agreement without
44 concern that the adherence to the Agreement could result in a violation of the
45 permit.

46
47 3) EPA and RL can continue to negotiate in Tri-Party Agreement revisions in good
48 faith without concern that Ecology will use the site permit as a mechanism for

1 enforcing its desired policies which may conflict with agreements reached during
2 the negotiations.

3
4 4) Site contractors will not be placed into a position of being liable for
5 agreements reached between RL and the regulators but will be liable for
6 performing work in accordance with contractual obligations between the contractor
7 and RL.

8
9 o **Rejection of Proposed Resolution Approach**

10
11 1) RL and contractors would need to appeal the permit to ensure that agreements
12 made in the Tri-Party Agreement which are not regulatory requirements under RCRA
13 are not enforceable under the permit.

14
15 2) Uncertainty would exist as to which Tri-Party Agreement conditions might
16 conflict with the permit.

17
18 3) Tri-Party Agreement requirements would be enforceable against contractors who
19 are not parties to the Agreement.

20
21 26.7 Current Resolution Status

22
23 Ecology has agreed to review the schedules for inclusion in the permit to
24 determine whether all Tri-Party Agreement milestones should be incorporated.

25
26 Ecology has indicated that it has not identified any areas of conflict between
27 the permit and the Tri-Party Agreement; however, Ecology is unwilling to
28 eliminate the language which allows the permit to supersede the Agreement.

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